UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WALTER S. JOHNSON BUILDING
COMPANY,

                    Plaintiff,   **09-CV-1083A(Sr)**

v.

                                            CASE MANAGEMENT ORDER

BAGGAGE OR CONTAINER
AUTOMATION, INC.,
LAWRENCE MAJEWSKI and
SHANNON MAJEWSKI,

                    Defendants.

        Pursuant to the Order of the **Hon. Richard J. Arcara** referring this case to

the undersigned for pretrial procedures and the entry of a scheduling order as provided

in Rule 16(b) of the Federal Rules of Civil Procedure and Rule 16.1(a) and Proposed

Rule 16.2 of the Local Rules of Civil Procedure for the Western District of New York, it

is **ORDERED** that:

        1.   In accordance with Section 2.1A of the Plan for Alternative Dispute

Resolution,[1] this case has been referred to mediation.

        2.   Motions to opt out of ADR shall be filed no later than **March 12,**

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[1] A copy of the ADR Plan, a list of ADR Neutrals, and related forms and
documents can be found at http://www.nywd.uscourts.gov or obtained from the Clerk's
Office.

2010.

3.   Compliance with the mandatory requirements found in Rule 26(a)(1) of the Federal Rules of Civil Procedure will be accomplished no later than **March 26, 2010.**

4.   The parties shall confer and select a Mediator, confirm the Mediator's availability, ensure that the Mediator does not have a conflict with any of the parties in the case, identify a date and time for the initial mediation session, and file a stipulation confirming their selection on the form provided by the Court no later than **March 12, 2010**.

5.   All motions to join other parties and to amend the pleadings shall be filed no later than **July 2, 2010**.

6.   The initial mediation session shall be held no later than **May 14, 2010.** A representative of plaintiff shall attend the initial mediation session with authority. Defendant Lawrence Majewski is also ordered to be present at the initial mediation session.

7.   All fact depositions shall be completed no later than **October 1, 2010.**

8.   Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **November 5, 2010**. Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **December 6, 2010.**

9.   All expert depositions shall be completed no later than **January 31, 2011.**

10.   All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date. In the event of a bonafide discovery dispute that cannot be resolved by counsels' good faith efforts (*see generally* Local Rule 37), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by letter a statement of facts and law it wishes the Court to consider. The Court reserves the right to request full briefing by the parties, in which case the Court will so advise the parties.

11.   All discovery in this case shall be completed no later than **February 5, 2011.**

12.   Dispositive motions shall be filed by all parties no later than **March 11, 2011.** *See generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before the Magistrate Judge.

13.	Mediation session may continue, in accordance with Section 5.11 of the ADR Plan, until **April 1, 2011**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

14.	Modification or extension of the dates set forth in this Case Management Order are strongly discouraged. Extensions will only be considered for meritorious reasons.

15.	Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

SO ORDERED.

DATED:	Buffalo, New York
	March 2, 2010

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge